

## Guide to Public Participation in the Rule-Making Process

### MISSION

The mission of the Ohio Vision Professionals Board (VPB) is to protect and serve the public of Ohio by effectively regulating the practices of Optometry, Opticianry and Ocularistry in Ohio. We strive to be a national leader for the establishment of professional practice standards and licensure of Optometrists, Opticians and Ocularists.

### OHIO VISION PROFESSIONALS BOARD ORGANIZATION

The VPB members are comprised of optometrists, opticians, and an ocularist and a public member. The Governor, with the advice and consent of the Senate, appoints members to three-year terms, with each term commencing on the twenty-third of March and ending on the twenty-second day of March. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms. The staff consists of four full-time employees.

### RULE-MAKING AUTHORITY

The Ohio Vision Professionals Board's authority to adopt administrative rules is found in Chapter 4725 of the Ohio Revised Code and is generally of two types: general rule-making authority and issue-specific rule-making authority. General rule-making authority can be found throughout the enabling statute and it provides the VPB with broad ability to adopt rules needed to regulate the professions under the agency's regulatory oversight. Specific authorizations or requirements to adopt specific rules are found in section 4725.09 of the Ohio Revised Code.

### THE RULE-MAKING PROCESS

Prior to the initiation of the formal rule-making process, the VPB decides if it needs to propose a change, rescind, or create an administrative rule. Consideration of rule changes may come to the VPB from its licensees, stakeholders, its staff, and the public. In addition, Chapter 119 of the Revised Code requires that each state agency review each of its rules every five years.

The following is a step-by-step abbreviated explanation of the agency's rule-making process:

#### Step 1: Rules Review

With a few exceptions, proposed new, amended, or rescinded rules and rules up for their five-year review are reviewed by the VPB and staff. Meetings are held, as needed, to consider any modifications.

#### Step 2: Approval for Filing by the VPB

Once reviewed, the proposed new, amended, or rescinded rule will be made available for preliminary stakeholder review and comments. Comments received will be reviewed and considered, and any appropriate changes will be incorporated into the proposed rules. The proposed rules will then be placed before the full VPB and, if approved, the rules will then be filed with the Common Sense Initiative (CSI).

### Step 3: Common Sense Initiative (CSI)

**All rules** (including no-change rules) must be reviewed by the CSI office, which operates within the Lt. Governor's Office. Review by CSI is normally required for all VPB rules that meet at least one of the following adverse business impact criteria:

1. The rule requires a license, permit, or any other prior authorization to engage in or operate a line of business;
2. The rule imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action, for failure to comply with its terms; or
3. The rule requires specific expenditures or the report of information as a condition of compliance.

The CSI process provides entities that may be impacted by the rule the opportunity to provide comment. The process takes approximately 21 calendar days and all rules filed with CSI, along with a document referred to as a 'Business Impact Analysis' are to be sent to all stakeholders for input and posted on the VPB website. CSI will issue a recommendation to the VPB based on their review and the feedback provided during the comment period.

### Step 4: Joint Committee on Agency Rule Review (JCARR)

If the agency receives a favorable recommendation from CSI, it will formally file the rules with JCARR.

## **PUBLIC HEARING**

The VPB will hold a public hearing on all proposed rules actions (with the exception of 5 year No Change Rules which do not require a public hearing). Notification of the date, time and place of the hearing will be emailed to all stakeholders at least 30 days prior and will also be posted on the VPB website and in the Register of Ohio. A copy of the hearing notice and full text of the proposed rule(s) will also be available at the VPB's office.

Public hearing notices and copies of the proposed or amended rules are also available on The Register of Ohio's website. On the date, time and place designated in the notice, the agency will conduct a public hearing at which time any person affected by the proposed action of the agency or any member of the public may testify. Once the hearing record is closed, the agency will review and consider all the testimony and may decide to proceed with the rule(s) unchanged, withdraw the rule(s), or amend the rule(s) based on the testimony received.

## **JCARR HEARING**

JCARR will hold a hearing on the proposed rule action where anyone may testify. Upon conclusion of the JCARR hearing, the VPB may file the rule for formal adoption unless otherwise advised by JCARR.

## **RULES ADOPTION**

Prior to the effective date of a new rule, amended rule, or rescission, the VPB will make a reasonable effort to inform those affected, including those who provided evidence or testimony that was made part of the VPB's public hearing. Notification is made by sending an email to all stakeholders and posting the rule(s) on the VPB's web site.

## CONCLUSION

The process outlined above is a simplified version of the VPB's rule-making process. The VPB relies upon public input to guide its rule-making activities, and actively encourages the public, licensees, and interested parties to be involved in the VPB activities and to provide feedback and comments on its rules. If you have any questions regarding the information in the guide or would like more detailed information on the rule-making process, please contact the VPB office or visit the website.

## OTHER RESOURCES

Common Sense Initiative

<https://governor.ohio.gov/wps/portal/gov/governor/priorities/common-sense-initiative>

Joint Committee on Agency Rule Review

<http://www.jcarr.state.oh.us/home>

Ohio Administrative Code

<http://codes.ohio.gov/oac/>

Ohio Revised Code

<http://codes.ohio.gov/orc/>

Ohio Vision Professional Board

[www.Vision.Ohio.gov](http://www.Vision.Ohio.gov)

[Rules@Vision.Ohio.gov](mailto:Rules@Vision.Ohio.gov)

614.466.9709

Register of Ohio

<http://www.registerofohio.state.oh.us/>